REMARKS

The Office Action dated November 16, 2006, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1, 4-11, 13, and 19-41 are currently pending in the application, of which claims 1, 13, 19, and 41 are independent claims. Claim 41 has been amended to more particularly point out and distinctly claim the invention. No new matter has been added. Claims 1 and 4-11 have been allowed. Applicant thanks the Examiner for this indication of allowance. Claims 13 and 19-41 are respectfully submitted for consideration.

Claims 13 and 19 were again rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Publication No. 2,350,017 of Mattila et al. ("Mattila") in view of U.S. Patent Application Publication No. 2004/0120522 of Bissantz et al. ("Bissantz"). The Office Action took the position that Mattila teaches all of the elements of the claims except "a plurality of charging nodes," "GGSN," and "GPRS." The Office Action cited Bissantz to remedy this deficiency of Mattila. Applicant respectfully traverses this rejection.

Claim 13, upon which claims 21-30 depend, is directed to a method including storing, in a first memory, information identifying one of a plurality of charging nodes associated with a communication session of a communications system as a default charging node for said session. The method also includes sending charging information for said session from a first communications node to said default charging node when

available. The method further includes billing in the communications system based on said charging information.

Claim 19, upon which claims 20 and 31-40 depend, is directed to a gateway communication node including a memory configured to store information identifying a default charging node associated with a communication session to which said node is to send charging information for said session. The node is configured to send charging information for said session to said default charging node when said default charging node is available.

Applicant respectfully submits that the combination of Mattila and Bissantz fails to disclose or suggest all of the elements of any of the presently pending claims.

Certain embodiments of the present invention advantageously address a problem related to sending charging information (CDRs) to the correct charging node in the event that an active charging node becomes unavailable for a period of time and, subsequently, the connection to that particular charging node is restored.

Applicant respectfully submits that the combination of Mattila and Bissantz fails to disclose or suggest all of the elements of any of the presently pending claims, and, thus, fails to provide the above-identified critical and unobvious advantages.

Mattila generally relates to tariff determination in mobile communication networks. As explained at page 3, lines 4-7, Mattila aims to provide a real time call charging information to a foreign network that is acting as an access network for a

roaming mobile subscriber, while mitigating or eliminating the problems stemming from the lack of information at the charging node or rating node of a foreign network.

More particularly, in Mattila, when a mobile telephone subscriber is registered in a foreign network, a request is sent to a rating node of the subscriber's home network. The request includes the call tariff of the foreign network. At the rating node of the home network, a total tariff is calculated by applying a multiplying factor to the foreign network tariff. This total call tariff information is then sent back to the charging node of the foreign network to be used for charging the subscriber in the foreign network.

Mattila, thus, discloses a home network having a single rating node and a foreign network having a single charging node. Accordingly, Mattila fails to teach or suggest, at least, "information identifying one of a plurality of charging nodes associated with a communication session of a communications system as a default charging node for said session" as recited by claim 13. Also, Mattila fails to teach or suggest storing such information in a memory, as also recited in claim 13: "storing, in a first memory, information identifying ...."

Mattila is wholly unrelated to the problem related to sending charging information (CDRs) to the correct charging node in the event that an active charging node becomes unavailable for a period of time and, subsequently, the connection to that particular charging node is restored. Accordingly, a person of ordinary skill in the art will appreciate that, in the case of the method disclosed in Mattila, Mattila would not provide for the charging information to be sent "to said default charging node when available."

In the event that the rating node is unavailable, there would be no other node to send the request to and the method of Mattila could not be performed, *i.e.*, the total call tariff could not be calculated, because Mattila has only one charging node.

The Office Action identified that Mattila only discloses one charging node. To remedy such deficiency, the Office Action cited Bissantz as discussing a system with a plurality of charging nodes and GGSNs. However, even if the skilled person modified the tariff determination method of Mattila such that either the foreign network or the home network included more than one charging and/or rating node, this would still fail to disclose the subject matter of claim 13.

As noted above, Mattila discloses foreign and home networks having a single charging/rating node. For this reason at least, there is no need for the request sent from the charging node of the foreign network to the rating node of the home network to comprise information identifying the rating node as a default node (*i.e.* because there is only one rating node). Even if there were a plurality of rating nodes in the home network, there would be no reason to identify one particular node as a default because it would make no difference, to the method of Mattila, which rating node the request was sent to. Any one rating node could apply the relevant multiplying factor to the foreign network call tariff and send a suitable reply. Accordingly, one of ordinary skill in the art applying the teachings of Mattila to a network that included a plurality of charging and/or rating nodes would still not disclose or suggest, "storing, in a first memory, information identifying one of a plurality of charging nodes associated with a communication session

of a communications system as a default charging node for said session," as recited in claim 13.

The Office Action took the position that this feature is disclosed by Mattila at page 4, line 24, to page 5, line 12. However, the cited passage merely discloses that the telephone includes a Subscriber Identity Module (SIM). However, none of the information stored in the SIM is identified as being a charging node, nor one charging node of a plurality of charging nodes, and certainly not the identification of one such node as a default node. Accordingly, Applicant respectfully submits that Mattila fails to disclose or suggest at least this feature of the claims, as recited in claim 13.

More specifically, the registering the terminal 3 with the foreign network using the information stored in the SIM card of the terminal 3, which identifies the home network of the mobile terminal 3, was considered, by the Office Action, to be equivalent to the feature of "storing, in a first memory, information identifying one of a plurality of charging nodes associated with a communication session of a communications system as a default charging node for said session," as recited by independent claim 13. However, Mattila makes no explicit disclosure of the nature of the information stored in the SIM card. Information identifying the home network of a mobile terminal is not "information identifying one of a plurality of charging nodes associated with a communication session."

Furthermore, in event that the home network 1 of Mattila were to be provided with a plurality of charging nodes (*i.e.* when combined with the teachings of Bissantz in the

manner proposed by the Office Action), there is no disclosure or suggestion made by Mattila as to how the information stored in the SIM card of the terminal 3 would be used to identify one of the nodes as a default node. Accordingly, claim 13 is not obvious with respect to Mattila even in view of Bissantz.

Nevertheless, Bissantz does not even remedy the above-identified deficiencies of Mattila, because it also does not disclose or suggest "storing, in a first memory, information identifying one of a plurality of charging nodes associated with a communication session of a communications system as a default charging node for said session."

Bissantz generally relates to a charging gateway component selection of a billing system component to handle charging data record based on one or more characteristics of the charging data record. As explained at paragraph [0006], Bissantz aims to enhance availability of a processing service of increased suitability for a charging data record, and to increase selectability of a processing service appropriate for a charging data record. Figure 1 of Bissantz shows several charging gateway components, several billing system components, and a plurality of data nodes. However, Bissantz is silent as to "storing, in a first memory, information identifying one of a plurality of charging nodes associated with a communication session of a communications system as a default charging node for said session," as recited in claim 13.

Accordingly, Applicant respectfully submits that Bissantz fails to remedy the above identified deficiencies of Mattila, and thus the combination of Mattila and Bissantz

fails to disclose all of the elements of claim 13. It is, therefore, respectfully requested that the rejection of claim 13 be withdrawn.

Furthermore, if the Office Action has implicitly taken the view that identification of the home network 1 is equivalent to identification of the rating node 8 of the home network, then this could only be said to be true for the case in which the home network is provided with a single rating/charging node. When there are a plurality of rating/charging nodes in a home network, simply identifying the home network would not identify any one of those rating/charging nodes. Accordingly, for this further reason, the two deficiencies above exist in the combination of Mattila and Bissantz.

Claim 19, like claim 13, recites "a memory configured to store information identifying a default charging node associated with a communication session to which said node is to send charging information for said session," although claim 19 has its own scope. Applicant respectfully submits that the combination of Mattila and Bissantz fails to disclose or suggest at least this feature of claim 19, for the reasons explained above with regard to claim 13.

Additionally, in the rejection of claim 19, the Examiner equates an MSC in Mattila to the "gateway communication node" recited by claim 19. This is incorrect. In the method disclosed in Mattila, charging information is sent to the rating node of the home network, of which there is usually only one, as explained at page 5, paragraph 2 of Mattila. Accordingly, the rating node of Mattila is more similar to the charging node recited in claim 19 than is the MSC of Mattila. However, whether the MSC is properly

identified as the claimed charging node is moot, in view of the failure of Mattila and Bissantz to disclose or suggest "a memory configured to store information identifying a default charging node associated with a communication session to which said node is to send charging information for said session," as recited by claim 19.

Accordingly, Applicant respectfully submits that the combination of Mattila and Bissantz fails to disclose all of the elements of claim 19. It is, therefore, respectfully requested that the rejection of claim 19 be withdrawn.

Regarding the objection to claim 19, the Office Action has not identified exactly which node in Figure 1 of Mattila is being considered to be equivalent to the gateway communication node of claim 19. However, Applicant infers that the Office Action has taken the position that the gateway communication corresponds to the MSC 4 of the foreign network. Mattila describes how "the terminal 3 registers with the foreign network 2 using the information stored in the SIM card," but it should be observed that there is no explicit disclosure of this information being stored in a memory of the MSC 4.

In any event, as explained above, the information on the SIM card is not "information identifying a default charging node." Furthermore, Mattila discloses that the charging node 7 of the foreign network 2 (which is essentially the same element as the MSC 4) collects charging information and subsequent relays this "to a charging node of the home network 1" (page 5, paragraph 1, lines 6-10). In other words, the charging information could be sent to any charging node of the home network consistent with Mattila. This differs from the node of claim 19 of the present application, which is

configured to send charging information to a default node when available. Thus, claim 19 is also not obvious, since the combination of Mattila and Bissantz fails to disclose or suggest all of the features of this claim.

The same argumentation for claim 19 applies with respect to independent claim 41, and claims 20-40 should be viewed as patentable for at least the reasons that claims 13 and 19 are patentable, since they depend from and further limit claims 13 and 19.

Claims 20-40 were again rejected under 35 U.S.C. 103(a) as being unpatentable over Mattila in view of Bissantz and further in view of U.S. Patent Application Publication No. 2005/0047378 of Wuschke et al. ("Wuschke"). Applicant respectfully traverses this rejection because Wuschke is not proper prior art with regard to the present application.

Wuschke is a U.S. Patent Application Publication of a PCT application after National Stage entry. Wuschke was filed on June 25, 2001 (after November 29, 2000), and was published in the U.S. on March 3, 2005. Wuschke's International Application was not published in English (but was published, instead, in German). Accordingly, Wuschke is not proper prior under 35 U.S.C. 102(e) or any other section. (Applicant notes that Wuschke's international application, WO 03/001784 was published on January 3, 2003.) Applicant respectfully requests that the rejection be withdrawn because Wuschke is not proper prior art to the present application.

For the Examiner's convenience, however, the following distinctions are noted.

Claims 20-40 depend respectively from claims 13 and 19, and recite additional limitations. The deficiencies of Mattila and Bissantz with regard to claims 13, 19, and 41 are discussed above. Wuschke fails to remedy the above-identified deficiencies of claims 13 and 19, and thus the combination of Mattila, Bissantz, and Wuschke fails to disclose or suggest all of the elements of any of the presently pending claims.

Wuschke generally relates to a method, device, and software program for correlating data sets. As explained at paragraph 0013, Wuschke aims to enable simple charge logging when MMS services are used within the domain of the most recent mobile technologies. Accordingly, it is unsurprising that Wuschke is silent as to the above-described deficiencies of claims 13, 19, and 41. Applicant, therefore, respectfully requests that the rejection of claims 20-41 be withdrawn, because the combination of Mattila, Bissantz, and Wuschke fails to disclose or suggest all of the elements of any of the presently pending claims.

For the reasons explained above, it is respectfully submitted that each of claims 13 and 19-41 recites subject matter that is neither disclosed nor suggested in the cited art. Claims 1 and 4-11 have already been allowed. It is, therefore, respectfully requested that all of claims 1, 4-11, 13, and 19-41 be allowed, and that this application be passed to issue.

Applicant also notes that the rejections are essentially the same rejections as previously presented, and the Office Action did not explain why the previously presented arguments traversing these rejections were not persuasive. Instead, the Office Action

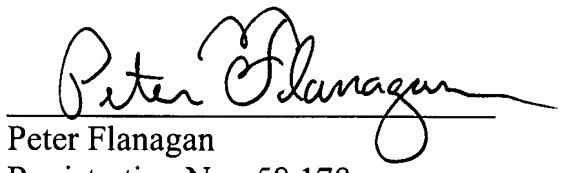
asserted that the arguments were moot. Furthermore, the Office Action failed to identify whether claim 41 is allowed or rejected, although the Office Action contains a handwritten amendment that shows that claim 41 is pending.

Applicant's representative called the Examiner to request that a new Office Action be issued that properly identifies the status of claim 41. However, the Examiner requested that, instead, a response to the Office Action be filed, and the fact that claim 41 was not addressed in the response be noted. The Examiner indicated that a new Non-Final Office Action would be issued once a response was filed, if the rejection is to be maintained.

If, for any reason, the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



Peter Flanagan
Registration No. 58,178

Customer No. 32294
SQUIRE, SANDERS & DEMPSEY LLP
14TH Floor
8000 Towers Crescent Drive
Tysons Corner, Virginia 22182-2700
Telephone: 703-720-7800
Fax: 703-720-7802

PCF:kzw

Enclosures: Petition for Extension of Time